S.B.Cr.Misc. II Bail App. No. 4002/2006

(Om Prakash Vs. State of Rajasthan)

Date of order : 12/09/2006

HON'BLE MR.JUSTICE H.R.PANWAR.

Mr. M.L.Khatri for the petitioner.

Mr. Ashok Upadhyay, Public Prosecutor.

This is second bail application filed by petitioner Om Prakash under Section 439 Cr.P.C.

After rejecting the earlier bail application, I do not find any change in the circumstances. The contraband Poppy Straw recovered is 10 Qtl. and 27 kg. which is commercial quantity and therefore, provisions of Section 37 of the NDPS Act are fully attracted.

Learned counsel for the petitioner submits that the trial is not proceeding expeditiously though while rejecting the earlier bail application, the trial court was directed to proceed expeditiously.

Be that as it may, there is no change in the circumstances and the contraband involved is of commercial quantity. In the circumstances therefore, I do not consider it a fit case to release the petitioner on bail. The second bail application is therefore, dismissed.

The Special Judge, NDPS Cases, Jodhpur shall secure the presence of the witnesses and proceed with the trial utmost expeditiously. If the witnesses are not turning up, then the course to procure their presence by a bailable or non-bailable warrant may be adopted.

(H.R.PANWAR), J.

RP